

STEVEN S. PRADD,
#45123

VS.

BRIAN WILLIAMS, *et al.*,

Defendants.

2:13-cv-00611-JCM-NJK

ORDER

Presently before the court is Magistrate Judge Koppe's report and recommendation. (Doc. # 17).

No objections have been filed, and the deadline to do so has passed.

Plaintiff Steven Pradd has filed a complaint containing causes of action for the alleged use of excessive force in violation of the Eighth Amendment by defendants Stevens and Williams. (Doc. # 5). Plaintiff now seeks to join additional independent claims for alleged Equal Protection violations by defendant Williams and various new defendants. (Doc. # 10). Plaintiff's new claims surround job applications made in December 2012 and April 2013. (*Id.*). The magistrate judge recommended that plaintiff's motion be denied because the new claims are distinct from those contained in the complaint, and are not related by fact or law. (Doc. # 17).

1 This court “may accept, reject, or modify, in whole or in part, the findings or recommendations
2 made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s
3 report and recommendation, then the court is required to “make a de novo determination of those
4 portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

5 Where a party fails to object, however, the court is not required to conduct “any review at all .
6 . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
7 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
8 judge’s report and recommendation where no objections have been filed. *See United States v.*
9 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
10 district court when reviewing a report and recommendation to which no objections were made); *see also*
11 *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision
12 in *Reyna–Tapia* as adopting the view that district courts are not required to review “any issue that is not
13 the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation,
14 then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d
15 at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was
16 filed).

17 Nevertheless, this court finds it appropriate to engage in a de novo review to determine whether
18 to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and
19 underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in full.

20 Accordingly,

21 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Koppe’s
22 report and recommendation (doc. # 17) be, and the same hereby is, ADOPTED in its entirety.

23 . . .

24 . . .

25 . . .

26 . . .

1 IT IS FURTHER ORDERED that plaintiff's motion for joinder of an additional independent
2 claim (doc. # 10) be, and the same hereby is, DENIED.

3 DATED October 22, 2013.

4
5 
6 UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26